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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/756,799	01/14/2004	Alexander E. Smith	RANN-0017	1511

7590 04/08/2005

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EXAMINER

PHAN, DAO LINDA

ART UNIT	PAPER NUMBER
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3662

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/756,799

Applicant(s)

SMITH ET AL.

Examiner

Dao L. Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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1. Claim 13, line 1, "The system of claim 13" is objected to because it's an improper dependent claim. Appropriate correction is required.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-62 are rejected under 35 U.S.C. 102(b) as being anticipated by Brame (Pat. No. 4,224,669) or Bateman et al (Pat. No. 4,646,244) or Minter (Pat. No. 5,506,590).

Brame teaches a ground-based system and a ground-based method for tracking and warning aircraft including means for tracking 20 at least one aircraft to determine aircraft position 10a and altitude (38; abstract), mean for comparing 28 aircraft position and altitude to at least one predetermined criteria to determine whether at least aircraft should be warned, and means for warning 30 the at least one aircraft.

Bateman et al teach a ground-based system and a ground-based method for tracking and warning aircraft including means for tracking at least one aircraft to determine aircraft position (fig. 1, POSITION; 20) and altitude (fig. 1, BAROMETRIC ALTITUDE), mean for comparing 24 aircraft position and altitude to at least one

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predetermined criteria to determine whether at least aircraft should be warned, and means for warning 16, 26 the at least one aircraft.

Minter teaches a ground-based system and a ground-based method for tracking and warning aircraft including means for tracking (col 1, line 44-col 3, line 22) at least one aircraft to determine aircraft position and altitude, mean for comparing 146, 142 aircraft position and altitude to at least one predetermined criteria to determine whether at least aircraft should be warned, and means for warning 26 the at least one aircraft.

Minter further teaches a ground-based system and a ground-based method for tracking and warning aircraft including means for comparing (col 9, lines 9-20) the position and altitude of a first of at least one aircraft with the position and altitude of a second of at least one aircraft and determining that the at least one aircraft should be warned.

4. Claims 1-62 are rejected under 35 U.S.C. 102(e) as being anticipated by Bateman et al (Pat. No. 6,445,310).

Bateman et al teach a ground-based system and a ground-based method for tracking and warning aircraft including means for tracking at least one aircraft to determine aircraft position (30; 64) and altitude (32; 66), mean for comparing 150, 86 aircraft position and altitude to at least one predetermined criteria (150; fig. 1) to determine whether at least aircraft should be warned, and means for warning 28, 42 the at least one aircraft.


5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dao L. Phan whose telephone number is (703)306-4167 until April 4, 2005 and (571)272-6976 after April 4, 2005. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tarcza Thomas can be reached on (703)306-4171 until April 4, 2005 and (571)272-6979 after April 4, 2005. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
DAO PHAN  
PATENT EXAMINER